

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION

ALISON EMEIGH
833 S. Linwood Avenue
Baltimore, Maryland 21224

Plaintiff

v.

TOYOTA MOTOR SALES, U.S.A., INC.
19001 South Western Avenue
Torrance California 90501-1106

TOYOTA MOTOR NORTH AMERICA, INC.
19001 South Western Avenue
Torrance California 90501-1106

TOYOTA MOTOR ENGINEERING &
MANUFACTURING NORTH AMERICA,
INC.
19001 South Western Avenue
Torrance California 90501-1106

TOYOTA MOTOR CORPORATION
1 Toyota-Cho
Toyota City, Aichi Prefecture, 471-3571
Japan

Defendants

Civil Action No.

17-cr-2797-GJH

U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2017 SEP 20 PM 1:36
CLERK OF COURT
J. G. H.

NOTICE OF REMOVAL

Defendant Toyota Motor Sales, U.S.A., Inc. ("TMS"), by its attorneys, hereby gives notice of its removal of the action captioned *Alison Emeigh v. Toyota Motor Sales, U.S.A., Inc., et al.*, Case No. CAL17-18198, from the Circuit Court for Prince George's County, Maryland, where it was filed, to the United States District Court for the District of Maryland, Southern

Division. This Notice is filed pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. As grounds for removal, TMS states as follows:

1. On July 26, 2017, Plaintiff filed a Complaint in the Circuit Court for Prince George's County, Maryland. Plaintiff alleges that she was injured while driving a 2009 Toyota RAV4 that was involved in an automobile accident on July 27, 2014. *See* Complaint ¶ 10. Pursuant to Local Rule 103(5)(a), true and legible copies of all process, pleadings, documents and orders served on Defendants, and filed in the Circuit Court, are collectively attached hereto as Exhibit 1.

2. TMS was served with the Complaint and Summons on August 21, 2017.

3. Toyota Motor North America, Inc. was served with the Complaint and Summons on August 21, 2017.

4. Toyota Motor Engineering & Manufacturing North America, Inc. was served with the Complaint and Summons on August 21, 2017.

5. Toyota Motor Corporation received a copy of the Complaint and Summons on September 14, 2017.

6. Accordingly, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), which provides that the notice of removal shall be filed within 30 days after the receipt by the defendants, through service or otherwise, of the initial pleading.

7. This is a civil action upon which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1), and which may be removed pursuant to 28 U.S.C. § 1441(b), in that the proper parties are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

8. Plaintiff is alleged to be an individual citizen of the State of Maryland. *See* Complaint ¶ 1.

9. Contrary to Plaintiff's allegation that TMS is incorporated in the State of Maryland and that its principal place of business is in California, *see* Complaint ¶ 2, TMS was at the time of the filing of Plaintiff's Complaint and is now a California corporation with its principal place of business in Texas. *See* Declaration of Pamela Boyd, attached as Exhibit 2.

10. Contrary to Plaintiff's allegation that Toyota Motor North America, Inc. is incorporated in Texas and that its principal place of business is in California, *see* Complaint at ¶ 3, Toyota Motor North America, Inc. was at the time of the filing of Plaintiff's Complaint and is now a California corporation with its principal place of business in Texas. *See* Declaration of Pamela Boyd, attached as Exhibit 2.

11. Contrary to Plaintiff's allegation that Toyota Motor Engineering & Manufacturing North America, Inc. is a Texas corporation with its principal place of business in California, *see* Complaint at ¶ 4, Toyota Motor Engineering & Manufacturing North America, Inc. was at the time of the filing of Plaintiff's Complaint and is now a Kentucky corporation with its principal place of business in Texas. *See* Declaration of Pamela Boyd, attached as Exhibit 2.

12. Toyota Motor Corporation was at the time of the filing of Plaintiff's Complaint and is now a Japanese corporation with its principal place of business in Toyota City, Aichi Prefecture, Japan.

13. Pursuant to 28 U.S.C. § 1332, complete diversity of citizenship therefore existed at the time the Complaint was filed and has existed at all times from that date until the date of the filing of this Notice of Removal.

14. Plaintiff seeks judgment “in an amount in excess of \$75,000.00.” *See, e.g.*, Complaint at p. 8. Thus, the amount in controversy in this matter exceeds the sum sufficient to invoke jurisdiction of this Court, \$75,000.00, exclusive of interest and costs.

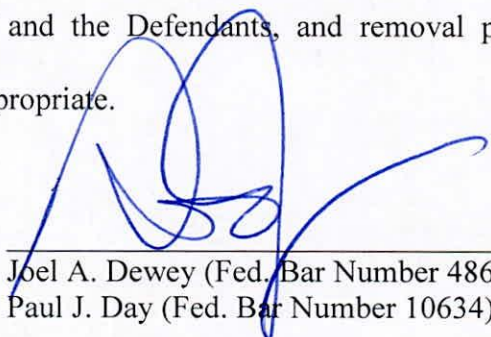
15. The other Defendants, Toyota Motor North America, Inc., Toyota Motor Engineering & Manufacturing North America, Inc., and Toyota Motor Corporation, also represented by undersigned counsel, consent to this removal.

16. TMS reserves the right to amend or supplement this Notice of Removal.

17. Defendants reserve all defenses, including, without limitation, the defense of lack of personal jurisdiction.

18. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on all parties and filed with the Clerk of the Circuit Court for Prince George’s County, Maryland.

WHEREFORE, this Court has jurisdiction pursuant to 28 U.S.C. § 1332(a), based on diversity of citizenship between the Plaintiff and the Defendants, and removal pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1446 is appropriate.



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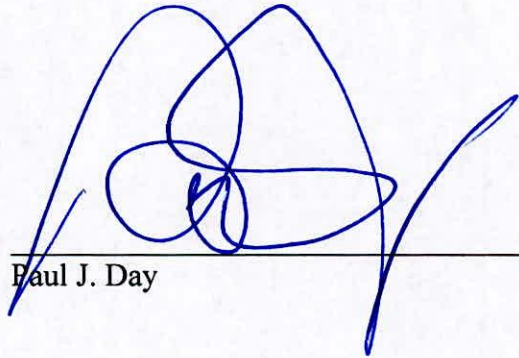
*Attorneys for Defendant Toyota Motor Sales,
U.S.A., Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 20th day of September, 2017, a copy of the foregoing Notice of Removal was mailed, first class postage-prepaid, to:

A. Donald C. Discepolo, Esquire
Brandon T. Wolven, Esquire
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Attorneys for Plaintiff



Paul J. Day